

*See also*

(3)  
3-7-01  
sc

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

CHRISTOPHER ROSEBORO,

Petitioner

v.

DON ROMINE, ET AL.,

Respondents

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:  
:  
:  
:  
:  
:  
:

CIVIL NO. 1:CV-01-0184

(Judge Kane)

FILED  
HARRISBURG, PA

MAR 06 2001

MARY E. D'ANDREA, CLERK  
PER *[Signature]* DEPUTY CLERK

ORDER

NOW, THIS

*6th March*

DAY OF FEBRUARY, 2001, IT IS HEREBY

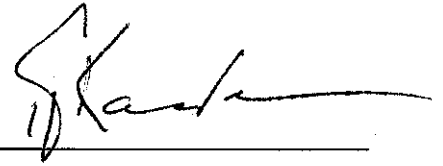
ORDERED THAT:

1. The Clerk of Court is directed to serve a copy of the above-captioned petition for writ of habeas corpus on Respondents and the United States Attorney.<sup>1</sup>
2. Within twenty (20) days of the date of this order, Respondents shall respond to the allegations in the petition.

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<sup>1</sup> Because Roseboro has previously filed two motions pursuant to 28 U.S.C. § 2255 challenging his conviction, there is no need to provide the notice specified in United States v. Miller, 197 F.3d 644 (3d Cir. 1999), before acting upon Roseboro's petition. Miller sought to prevent the unintended procedural default of an issue due to the inmate filing a petition under the wrong statutory provision or due to a failure to raise all viable issues in a single post-conviction petition. These concerns are not implicated where, as here, the inmate has already pursued not only one § 2255 petition but also a successive § 2255 petition.

3. A determination whether Petitioner should be produced for a hearing will be held in abeyance pending submission of a response.
4. Petitioner shall, if he so desires, file a reply to the response within fifteen (15) days of its filing.



---

YVETTE KANE  
United States District Judge

YK:lq

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE

March 6, 2001

Re: 1:01-cv-00184 Roseboro v. Romine

True and correct copies of the attached were  
to the following:

Christopher Roseboro  
USP-LEW  
U.S. Penitentiary at Lewisburg  
29911-037  
P.O. Box 1000  
Lewisburg, PA 17837

cc:  
Judge  
Magistrate Judge  
U.S. Marshal  
Probation  
U.S. Attorney  
Atty. for Deft.  
Defendant  
Warden  
Bureau of Prisons  
Ct Reporter  
Ctroom Deputy  
Orig-Security  
Federal Public Defender  
Summons Issued

Standard Order 93-5  
Order to Show Cause

Bankruptcy Court  
Other \_\_\_\_\_

( ) with N/C attached  
U.S. Marshal ( )

( ) with Petition attached & mailed certified mail  
to: US Atty Gen ( ) PA Atty Gen ( )  
DA of County ( ) Respondents ( )

DATE: 3/6/01

**U.S. Postal Service  
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PS Form 3800, July 1999

See Reverse for Instru

MARY E. D'ANDREA, Clerk

BY: 672  
Deputy Clerk